This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (Currently amended) A method for identifying a compound that modulates T lymphocyte activation, the method comprising the steps of:

(i) contacting the compound with a TRAC1 polypeptide or a fragment thereof, the polypeptide or fragment thereof encoded by a nucleic acid that hybridizes under stringent conditions to an antisense nucleic acid corresponding to a nucleic acid encoding a polypeptide having an amino acid sequence of SEQ ID NO:1; and

(ii) determining the functional effect of the compound upon the TRAC1 polypeptide.

2. (Original) The method of claim 1, wherein the functional effect is measured in vitro.

3. (Original) The method of claim 2, wherein the functional effect is a physical effect.

4. (Original) The method of claim 2, wherein the functional effect is a chemical effect.

5. (Original) The method of claim 4, wherein the functional effect is determined by measuring ligase activity.

6. (Original) The method of claim 1, wherein the polypeptide is expressed in a host cell.

7. (Original) The method of claim 6, wherein the functional effect is a physical effect.

8. (Original) The method of claim 6, wherein the functional effect is a chemical or phenotypic effect.

9. (Original) The method of claim 6, wherein the host cell is primary T lymphocyte.

10. (Original) The method of claim 6,wherein the host cell is a cultured T cell.

11. (Original) The method of claim 10, wherein the host cell is a Jurkat cell.

12. (Original) The method of claim 6, wherein the chemical or phenotypic effect is determined by measuring CD69 expression, intracellular Ca2+ mobilization, Ca2+ influx, ligase activity, or lymphocyte proliferation.

13. (Original) The method of claim 1, wherein modulation is inhibition of T lymphocyte activation.

14. (Original) The method of claim 1, wherein the polypeptide is recombinant.

15. (Original) The method of claim 1, wherein the TRAC1 polypeptide comprises an amino acid sequence of SEQ ID NO:1.

16. (Original) The method of claim 1, wherein the TRAC1 polypeptide is encoded by a nucleic acid comprising a nucleotide sequence of SEQ ID NO:2.

17. (Original) The method of claim 1, wherein the compound is an antibody.

18. (Original) The method of claim 1, wherein the compound is an antisense molecule.

19. (Original) The method of claim 1, wherein the compound is a small organic molecule.

20. (Original) The method of claim 1, wherein the compound is a peptide

21. (Original) The method of claim 20, wherein the peptide is circular.

22. (Currently amended) A method for identifying a compound that modulates T lymphocyte activation, the method comprising the steps of:

(i) contacting a T cell comprising a TRAC1 polypeptide or fragment thereof with the compound, the TRAC1 polypeptide or fragment thereof encoded by a nucleic aeid that hybridizes under stringent conditions to an antisense nucleic acid corresponding to a nucleic acid encoding a polypeptide having an amino acid sequence of SEQ ID NO:1; and

(ii) determining the chemical or phenotypic effect of the compound upon the cell comprising the TRAC1 polypeptide or fragment thereof, thereby identifying a compound that modulates T lymphocyte activation.

23. (Currently amended) A method for identifying a compound that modulates T lymphocyte activation, the method comprising the steps of:

(i) contacting the compound with a TRAC1 polypeptide or a fragment thereof, the TRAC1 polypeptide or fragment thereof encoded by a nucleie acid that hybridizes under stringent conditions to an antisense nucleic acid corresponding to a nucleie acid encoding a polypeptide having an amino acid sequence of SEQ ID NO:1;

(ii) determining the physical effect of the compound upon the TRAC1 polypeptide; and

(iii) determining the chemical or phenotypic effect of the compound upon a cell comprising the TRAC1 polypeptide or fragment thereof, thereby identifying a compound that modulates T lymphocyte activation.

24-46 (Withdrawn)

REMARKS/ARGUMENTS

In response to Restriction Requirement mailed May 1, 2003, Applicants elect with traverse Group II, claims 1-23, drawn to a method for identifying a compound that modulates T lymphocyte activation *in vitro*.

Claims 1, 22, and 23 are amended to recite that the TRAC1 polypeptide is encoded by a nucleic acid that hybridizes to an antisense nucleic acid corresponding to a nucleic acid that encodes a polypeptide having SEQ ID NO:1. Support for these amendments is found throughout the specification, for example at page 9, lines 16-18. These amendments add no new matter.

The foregoing election is made with traverse. Applicants request that Group II, method for identifying a compound that modulates T lymphocyte activation *in vitro*.; and Group I, method for identifying a compound that modulates T lymphocyte activation *in vivo*, be examined together, as all the required method steps in Group II are also found in Group I.

Applicants also assert that, at the very least, claim 1 is a genus claim linking the dependent species claims to *in vitro* and *in vivo* methods that require the same steps. As such, upon allowance of a linking genus claim, the restriction requirement should be withdrawn with respect to the species claims. MPEP 809.03. Applicants further note that when the requirement for restriction is predicated upon the non-allowability of a generic linking claim, Applicant is entitled to retain in the case claims to the non-elected invention. If the generic linking claim is allowed, the Examiner must then examine non-elected claims to species falling within the genus. MPEP 809.04.

Finally, restriction of an application is discretionary. A restriction requirement is made to avoid placing an undue examination burden on the Examiner and the Office. Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. MPEP 803.01. Applicants respectfully submit that examining the claims of Groups II and I together (*in vitro* and *in vivo* methods for identifying a compound that modulates T lymphocyte activation)

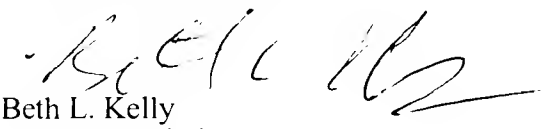
would not place and undue burden on the Examiner. Applicants therefore respectfully request that the restriction requirement with respect to Groups II and I be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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